

August 29, 2001

Mr. R. P. Necci
Vice President-Nuclear Technical Services
c/o Mr. David A. Smith
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

SUBJECT: REQUEST FOR WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE
MILLSTONE UNIT NO. 3 (TAC NO. MB1544)

Dear Mr. Necci:

By Northeast Nuclear Energy Company's (NNECO) application dated September 28, 2000, and Stone & Webster's affidavit dated August 2, 2000, executed by James T. Callahan, you submitted "Analysis of Containment Mixing Rate During A Design Basis Accident" by Stone & Webster Engineering Corporation (SW), Revision 6 (SWREV6) and requested that it be withheld from public disclosure pursuant to 10 CFR 2.790. A non-proprietary copy of this document has been placed in the NRC public document room and added to the Agencywide Documents Access and Management Systems Publicly Available Records System (ADAMS PARS) Library.

At the time of the September 28, 2000, letter NNECO was the licensed operator of Millstone Nuclear Power Station, Unit No. 3 (MP3). On March 31, 2001, the majority of the owners of MP3 transferred their ownership interest in MP3 to Dominion Nuclear Connecticut, Inc. (DNC, licensee), and NNECO's operating authority for MP3 was transferred to DNC. By letter dated April 2, 2001, DNC requested that the NRC continue to review and act upon all requests before the NRC that had been submitted by NNECO.

The review of NNECO's September 28, 2000, request for withholding information from public disclosure and the accompanying August 2, 2000, SW affidavit raised questions on whether the model was proprietary. The licensee submitted a clarification letter dated June 11, 2001, with an accompanying affidavit, dated May 29, 2001, executed by Charles E. Cronan of SW. The licensee's May 29, 2001 letter refers to the model and its application. The model, meaning the mathematical expression for the mixing rate, λ , and its derivation is not proprietary. Only the application of this expression, which is the nodding of the MP3 containment and the corresponding calculations for MP3, are proprietary. NNECO's September 28, 2000, letter has correctly provided a non-proprietary version of the mathematical expression and its derivation.

The May 29, 2001, affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

1. The SW Mixing Model methodology described in ref. 1 provides the basis for increasing the effectiveness credit for containment spray systems in the fission product cleanup function. In very restrictive cases, the model and its application provides the basis for avoiding redesign of the spray system. This makes the SW Mixing Model and its application commercially "valuable" to SW.

2. The proprietary information contained in SWREV6 is not available through public sources
3. The SW Mixing Model and its application was developed at an estimated cost to SW of \$250,000.
4. The SW Mixing Model application constitutes a trade secret and an advancement in the state of the art, and therefore provides SW with a competitive advantage in obtaining and performing similar design projects. Making this model available to the public will forfeit SW's hard-earned competitive advantage.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information regarding the mixing model application sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the NRC. You also should understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

If you have any questions regarding this matter, I may be reached at 301-415-1484.

Sincerely,

/RA/

Victor Nerses, Sr. Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-423

cc: See next page

2. The proprietary information contained in SWREV6 is not available through public sources
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We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.790 and, on the basis of your statements, have determined that the submitted information regarding the mixing model application sought to be withheld contains proprietary commercial information and should be withheld from public disclosure. Therefore, the version of the submitted information marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.790(b)(5) and Section 103(b) of the Atomic Energy Act of 1954, as amended.

Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

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Millstone Nuclear Power Station
Unit 3

cc:

Ms. L. M. Cuoco
Senior Nuclear Counsel
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Edward L. Wilds, Jr., Ph.D.
Director, Division of Radiation
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

First Selectmen
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

Mr. P. J. Parulis
Process Owner - Oversight
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. W. R. Matthews
Senior Vice President - Millstone
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Ernest C. Hadley, Esquire
P.O. Box 1104
West Falmouth, MA 02574-1104

Deborah Katz, President
Citizens Awareness Network
P.O. Box 83
Shelburne Falls, MA 03170

Ms. Terry Concannon
Co-Chair
Nuclear Energy Advisory Council
41 South Buckboard Lane
Marlborough, CT 06447

Mr. R. P. Necci
Vice President - Nuclear Technical Services
c/o Mr. David A. Smith
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. Evan W. Woollacott
Co-Chair
Nuclear Energy Advisory Council
128 Terry's Plain Road
Simsbury, CT 06070

Mr. D. A. Christian
Senior Vice President - Nuclear Operations
and Chief Nuclear Officer
Innsbrook Technical Center - 2SW
5000 Dominion Boulevard
Waterford, CT 06385

Mr. C. J. Schwarz
Master Process Owner - Operate the Asset
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Senior Resident Inspector
Millstone Nuclear Power Station
c/o U.S. Nuclear Regulatory Commission
P. O. Box 513
Niantic, CT 06357

Mr. G. D. Hicks
Master Process Owner - Training
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Millstone Nuclear Power Station
Unit 3

cc:

Citizens Regulatory Commission
ATTN: Ms. Geri Winslow
P. O. Box 199
Waterford, CT 06385

Mr. D. A. Smith
Process Owner - Regulatory Affairs
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Ms. Nancy Burton
147 Cross Highway
Redding Ridge, CT 00870

Mr. E. S. Grecheck
Vice President - Nuclear Operations/Millstone
Dominion Nuclear Connecticut, Inc.
Rope Ferry Road
Waterford, CT 06385

Mr. William D. Meinert
Nuclear Engineer
Massachusetts Municipal Wholesale
Electric Company
P.O. Box 426
Ludlow, MA 01056